

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLEND A TURNER,

Plaintiff,

Case No. 20-cv-12568
Hon. Matthew F. Leitman

v.

EVERGREEN RECOVERY
SOLUTIONS, LLC, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 24), (2) GRANTING PLAINTIFF'S
MOTION FOR SANCTIONS (ECF No. 22), (3) STRIKING DEFENDANT'S
ANSWER TO COMPLAINT (ECF No. 9), AND (4) DIRECTING
PLAINTIFF TO SUBMIT PROPOSED DEFAULT JUDGMENT**

In this action, Plaintiff Glenda Turner alleges that Defendants Evergreen Recovery Solutions, LLC and Robert Crippen, II violated the Fair Debt Collection Practices Act and the Electronic Funds Transfers Act. (*See* Compl., ECF No. 1.) Evergreen never appeared in this action, and on December 20, 2021, the Court granted Turner's motion for a default judgment against Evergreen in the amount of \$13,371. (*See* Order, ECF No. 14.) Crippen appeared *pro se*, filed an Answer to the Complaint (*see* Answer, ECF No. 9), and the parties proceeded to discovery.

On August 11, 2022, Tuner filed a motion to compel in which she claimed that Crippen had failed to respond to written discovery requests and did not appear

for his deposition. (*See* Mot. to Compel, ECF No. 18.) Crippen never responded to the motion. Accordingly, on September 7, 2022, the assigned Magistrate Judge granted the motion and ordered that Crippen, among other things, (1) “provide complete responses to Plaintiff’s First Requests for Production” and (2) “make himself available for deposition, by Friday, September 30, 2022.” (Order, ECF No. 21, PageID.141.) At the conclusion of the Magistrate Judge’s order, in underlined text, the Magistrate Judge warned Crippen that his “failure to comply with this order may result in sanctions under Fed. R. Civ. P. 37(b)(2), up to and including having the Court render default judgment against him.” (*Id.*, PageID.142.)

Despite the Magistrate Judge’s warning, Crippen failed to comply with the September 7 order. He never responded to Turner’s written discovery. Nor did he appear for a deposition as ordered. Thus, on October 7, 2022, Turner moved for sanctions due to Crippen’s failure to comply with his discovery obligations and his failure to comply with the September 7 order. (*See* Mot. for Sanctions, ECF No. 22.) Crippen never responded to Turner’s motion.

On November 4, 2022, the Magistrate Judge issued a report and recommendation in which he recommended that the Court (1) grant Turner’s motion for sanctions, (2) strike Crippen’s Answer to the Complaint, and (3) enter default judgment against Crippen (the “R&R”). (*See* R&R, ECF No. 24.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek

review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.162-163.)

Crippen has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Crippen has failed to file any objections to the R&R, and because he has failed to comply with the previous orders of the Court, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of Turner's motion for sanctions (ECF No. 22) is **ADOPTED** and the motion is **GRANTED**. The Court will **STRIKE** Crippen's Answer to the Complaint (ECF No. 9) and will enter a **DEFAULT JUDGMENT** against Crippen.

Turner is now **DIRECTED** to submit to the Court, through the Utilities function of CM/ECF, a proposed default judgment against Evergreen and Turner that complies with (1) the Court's December 20, 2021, order granting a default judgment against Evergreen and (2) the R&R. **IT IS SO ORDERED.**

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: January 3, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 3, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126